

**Comments from Richland County Planners' Office
Legislative Committee
2013 Legislative Session**

Summary comments regarding: SB 324, AN ACT GENERALLY REVISING SUBDIVISION LAWS RELATED TO LEASE OR RENT; PROVIDING FOR THE REGULATION OF BUILDINGS CREATED FOR LEASE OR RENT ON A SINGLE TRACT; PROVIDING EXEMPTIONS FROM REVIEW FOR CERTAIN BUILDINGS; REQUIRING CERTAIN BUILDINGS CREATED FOR LEASE OR RENT TO BE REVIEWED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY OR LOCAL REVIEWING AUTHORITY FOR SANITATION COMPLIANCE; AUTHORIZING A LOCAL GOVERNMENT TO REVIEW THE CREATION OF BUILDINGS FOR LEASE OR RENT IN CERTAIN CASES; PROVIDING MINIMUM REQUIREMENTS FOR LOCAL GOVERNMENT REGULATIONS; AUTHORIZING THE ADOPTION OF ADDITIONAL CRITERIA FOR THE LOCAL REVIEW OF CERTAIN BUILDINGS; PROVIDING DEFINITIONS; PROVIDING PENALTIES; REVISING LOCAL SUBDIVISION REGULATIONS; AMENDING SECTIONS 76-3-103, 76-3-504, 76-4-103, 76-4-125, 76-6-203, AND 76-7-203, MCA; REPEALING SECTIONS 76-3-202, 76-3-204, AND 76-3-208, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

House Local Government Committee: March 21, 2013

Thank you for this opportunity to present concerns raised by this bill in relation to Richland County, Montana. My name is Anne Cossitt and I provide land use planning and related services to the County. I have been asked by Marcy Hamburg, Richland County Planner to provide comments on this bill. I do not know if the County would be considered an opponent or proponent to the bill overall. I know that the County appreciates the efforts of Senator Rosendale and the Legislature to address the issues with Subdivision for Lease or Rent.

I am here to provide information on the effect of the bill's provision to exempt any "building" from review under the new law if it was in existence or under construction before (the effective date of this Act). Because RVs and mobile homes are included in the definition of "building" under the new law, this would have significant impacts to Richland County.

At present, there are approximately 35-40 separate cases of RVs and mobile home operations for lease or rent that are not in compliance with the Montana Subdivision and Platting Act in Richland County, with total non-compliant RV and mobile home units counting in the hundreds. Approximately 1/3 of these 34-40 operations are what could be referred to as small operations—with up to 3 RVs or mobile homes; 1/3 are mid-size with 5-10 RVs/mobiles; and 1/3 are larger operations with 20 or more. Of the 35-40 total RV/mobile home operations, some have never begun the review process, and others may have started the process, but none of them have received final approval. Under current laws, you are prohibited from operating unless you have received final approval from the governing body, which in this case would be the County Commissioners.

These same facilities also do not have approval for sanitation, which is also a requirement of the current provisions for Subdivision for Lease or Rent under the Montana Subdivision and Platting Act. There are a number of striking examples of the horrific conditions that result from unsanitary conditions in some of these facilities. These include intolerable living conditions with

7-9-1967
1967
1967

improper sewage facilities, standing stormwater, and on-site water systems that are not potable. Yet people are living there. In one instance, illegal sewage systems are installed below the RV/mobile unit, and then hidden from sight with skirting. There have been cases where lack of adequate sewage has resulted in residents simply relieving themselves outside.

There are other health and safety concerns as well. RV/mobile home units are placed too close to each other. The Planner has seen at least one instance of 3 trailers on a small lot with less than two-feet of separation. The Fire Department wants a minimum of 20 feet of separation between units. With space at a premium, large propane tanks are pushed up against the side or under RV/mobile home units. In another location, the physical placement of RVs has made it impossible to adequately remove snow, with the end result that snow piles are an impediment to emergency service providers. Another operation with 15-25 RV/mobile home units was operating in the floodplain, in an area that was inundated in 2010. This particular operation received a notice of violation and has since removed the units, but the illegal sewage systems and electrical connects remain. It is conceivable that the landowner will attempt to re-establish units in this area if she was aware that doing so would make them "legal" under a new provision of law which exempts existing buildings.

These public health and safety issues are the kind of things that would be considered in review under the current provisions of the Montana Subdivision and Platting Act.

Richland County wants to ensure the safety of its residents and is actively pursuing the enforcement of the regulations to do just that. Please do not include language in the bill that will restrict the ability of the county to continue to require compliance with the laws that were in effect at the time the development occurred.